

WSGL WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP

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DATE: July 26, 2005

TO: Examiner David C. Payne
TC Art Unit: 2633

Fax No.: (571) 273 8300

FROM: Thomas O. Hoover

No. of pages transmitted
(including this page): 14

Our File: MAIT-013XX

Time:

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Application No. 09/324,253
Filed Date: June 2, 1999
Confirmation No.: 1283

Sent by: Jan

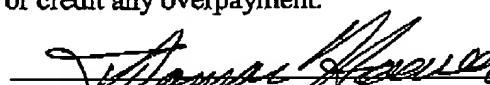
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MESSAGE

PLEASE DELIVER DIRECTLY TO:
EXAMINER David C. Payne (571) 272-3024
TC ART UNIT NO: 2633

FOR ENTRY

Enclosed for filing please find a: Response, Change of Address Form and Bingo
Transmittal

The Commissioner is hereby authorized to Charge Deposit Account No. 23-0804 for any additional
filing fees associated with this communication or credit any overpayment.



Attorney for Applicant: Thomas O. Hoover
Registration No. 32,470

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WSGL

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Application No.: 09/324,253
Filed: June 2, 1999
TC Art Unit: 2633
Confirmation No.: 1283

Rev 07/05

WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP
Ten Post Office Square
Boston, Massachusetts 02109
Telephone: (617) 542-2290
Telecopier: (617) 451-0313

Date: July 26, 2005

Via Facsimile
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Attorney
Docket No.: MAIT-013XX
(formerly 0050.1610.000)

Sir:

In re application of: Jeffrey C. Chen

Entitled: OPTICAL FREQUENCY FILTER

Transmitted herewith is an amendment in the above-identified application. The following checked items are applicable:

[] This is a Request for Continued Examination under §1.114; authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$) per §1.17(e).
[] Enter the unentered amendment previously filed on _____ per §1.116.

[X] A Petition for Extension of Time for 3months is hereby made under §1.136(a); authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$510.00) per §1.17.

[X] In the event a Petition for Extension of Time is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of such extension.

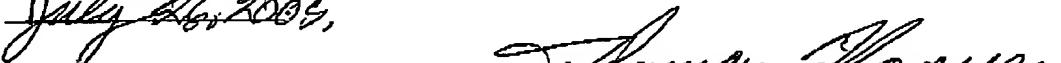
[X] Other: Change of Address form

CLAIMS AFTER AMENDMENT:	MINUS PRIOR PAID CLAIMS:	EQUALS PRESENT EXTRA CLAIMS:	RATE:	ADDITIONAL FEE:
Independent	8 - 8	= 0	x \$200.00 =	0.00
Total	33 - 33	= 0	x \$ 50.00 =	0.00
[] Multiple Dependent Claims (1st presentation)			+ \$360.00 =	0.00
				0.00
Small Entity filing, divide by 2. Small Entity status must be asserted.				0.00
				0.00

[X] No additional fee. [] The fee has been calculated above; authorization is provided herewith to charge Deposit Account No. 23-0804 (\$) for the cost of same.

[X] The Commissioner is hereby authorized to charge payment of any additional filing fees under §1.16 associated with this communication or credit any overpayment to Deposit Account No. 23-0804.

I hereby certify that this correspondence is being sent via facsimile to Examiner David C. Payne, TC Art Unit 2633, Fax No. (571) 273 8300, on July 26, 2005.


Attorney of Record: Thomas C. Hoover
Registration No.: 32,470

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JUL 26 2005

PATENT

Rev 06/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Jeffrey C. Chen
 Application No. : 09/324,253
 Filed : June 2, 1999
 Confirmation No. : 1283
 For : OPTICAL FREQUENCY FILTER
 Examiner : David C. Payne
 Attorney's Docket : MAIT-013XX (Formerly 0050.1610-000)

TC Art Unit: 2633

*
 I hereby certify that this correspondence is being sent via
 facsimile to Examiner David C. Payne, TC Art Unit 2633, Fax No.
 571-273-8300, on July 26, 2005.

By: Thomas O. Hoover
 Thomas O. Hoover
 Registration No. 32,470
 Attorney for Applicant(s)

RESPONSE

Via Facsimile
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Responsive to the Restriction Requirement dated January 26, 2005, Applicant hereby elects species of Fig. 12C and the subspecies of Fig. 6C for examination without traverse. It is Applicant's understanding that the species and subspecies requirements identified in the current restriction requirement are

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TC Art Unit: 2633
Confirmation No.: 1283

included in the event that no generic claim is held allowable and to supplement the previous election of Fig. 6A. The disperser 56 can be a grating as described on page 2, line 23-25, and pages 12, line 26 through page 13, line 13. The election of subspecies 6C should not be viewed so as to exclude claiming of a grating for the disperser. If the use of a grating for the disperser 56 was inadvertently not included in one of the electable options, Applicant respectfully requests the election of same. Applicant reserves the right to file a continuing or divisional application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicant does not hereby abandon or waive any rights in the non-elected inventions. A listing of all claims readable upon this election follows: Claims 1, 3-12, 15-22, 25-26 and 28-34.

- 2 -

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PAGE 4/14 * RCV'D AT 7/26/2005 5:15:23 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/28 * DNI:2738300 * CSID:6176950892 * DURATION (mm:ss):03-10